



UNITED STATES PATENT AND TRADEMARK OFFICE

PAUL
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,221	08/16/2001	David Chao	7115.025	2849
25546	7590	02/05/2004	EXAMINER	
DREIER & BARITZ LLP 499 PARK AVENUE 20TH FLOOR NEW YORK, NY 10022				TSIDULKO, MARK
ART UNIT		PAPER NUMBER		
2875				

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/931,221	CHAO, DAVID	
	Examiner	Art Unit	
	Mark Tsidulko	2875	MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 January 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 7-9,15-18,24,28 and 31-35 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 7,9,15-18,24,28,31 and 33-35 is/are allowed.

6) Claim(s) 8 and 32 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

The submission of amendment filed on 11/21/03 is acknowledged. At this point claims 18, 24 have been amended, claims 3, 22, 23, 27, 29 and 30 have been canceled, new claims 31-35 have been added and the remaining claims left unchanged. Thus, claims 7-9, 15-18, 24, 28 and 31-35 are at issue in the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **8, 32** are rejected under 35 U.S.C. 102(b) as being anticipated by Price (US 4,234,910).

Referring to Claim **8** Price discloses (Figs. 1, 2) an eyeglasses [10] having a front frame portion [20] and arms [22] extending therefrom and a light source (optical fibers) [14] positioned in a cavity within the arms (col.3, lines 31-34).

Referring to Claim **32** Price discloses (Fig.2) a cavity for the light source positioned at a distal end of the arm.

Allowable Subject Matter

Claims **7, 9, 15-18, 24, 28, 31-35** are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Referring to Claim 7 the prior art of record fails to show a light source that is positioned in a recess of the arm.

Claim 31 is allowed as claim depended on claim 7.

Referring to Claim 9 the prior art of record fails to show a light source that is positioned to shine towards the distal end of the arm.

Referring to Claims 15, 24 the prior art of record fails to show the eyeglasses wherein a side of the arm is provided with a groove that opens into the cavity.

Referring to Claim 16 the prior art of record fails to show the eyeglasses having the combination of the light source and a container for storing the writing instrument.

Claims 17, 18 are allowed as claims depended on claim 16.

Referring to Claim 28 the prior art of record fails to show an eyeglasses having light source and at least one reversible arm.

Referring to Claim 33 the prior art of record fails to show the eyeglasses having container on one of its sides for storing a screwdriver.

Claims 34, 35 are allowed as claim depended on claim 33.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703)872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

M.T.
January 12, 2004



ALAN CARIASO
PRIMARY EXAMINER